

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
ARTILIO ARELO,

Plaintiff,

-against-

07 Civ. 6906 (LAK)

BLOOMBERG, L.P., et al.,

Defendants.

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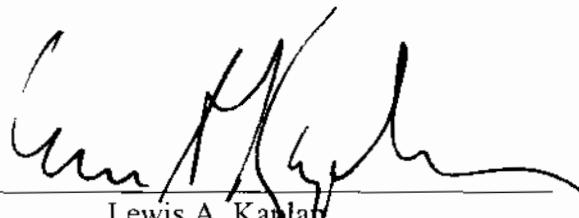
**ORDER**

LEWIS A. KAPLAN, *District Judge*.

Defendants' motion to dismiss certain causes of the amended complaint (DI 9) misapprehends the pleading standard in the wake of *Bell Atlantic v. Twombly*, 127 S.Ct. 1955 (2007). For one thing, *Bell Atlantic* did not overrule *Swierkiewicz v. Sorema, N.A.*, 534 U.S. 506 (2002). For another, defendants' argument overreads *Bell Atlantic* in suggesting that greater pleading of facts is required in this case. See generally *Iqbal v. Hasty*, 490 F.3d 143 (2d Cir. 2007). In any case, defendants' argument would be without merit. While plaintiff may not be able to make out a *prima facie* case, defendants will have ample opportunity to make that argument on a motion for summary judgment.

SO ORDERED.

Dated: January 7, 2008



Lewis A. Kaplan  
United States District Judge